

MEMORANDUM

Agenda Item No. 14(A)(3)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving the
employment contract between
Miami-Dade County and
Mary T. Cagle, Miami-Dade
Inspector General

The accompanying resolution was prepared by the Miami-Dade Human Resources Department and placed on the agenda at the request of Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

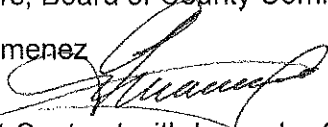
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Memorandum



Date: January 22, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

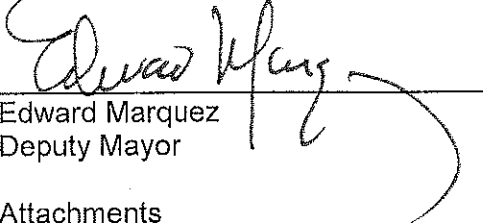
From: Carlos A. Gimenez
Mayor 

Subject: Employment Contract with Inspector General Mary T. Cagle

Pursuant to Section 2-1076(c) of the County Code, the Director of the Human Resources Department shall, in consultation with the County Attorney, negotiate a contract of employment with the Inspector General, except that before any contract shall become effective, the contract must be approved by a majority of Board of County Commissioners (Board) present at a regularly scheduled Board meeting.

Attached for consideration by the Board is the employment contract for Mary T. Cagle, the newly appointed Inspector General that was negotiated by the Human Resources Director in consultation with the County Attorney's Office pursuant to County Code Section 2-1076(c).

Attachment


Edward Marquez
Deputy Mayor

Attachments

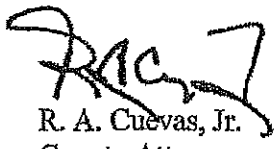


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 14(A)(3)
1-22-14

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING THE EMPLOYMENT
CONTRACT BETWEEN MIAMI-DADE COUNTY AND
MARY T. CAGLE, MIAMI-DADE INSPECTOR GENERAL

WHEREAS, after a careful selection process, Mary T. Cagle was appointed by the Ad Hoc Inspector General Selection Committee for the position of Miami-Dade County Inspector General; and

WHEREAS, Section 2-1076 of the Code of Miami-Dade County provides that the Board of County Commissioners may by a majority vote of members present approve the appointment of an Inspector General to a four-year term; and

WHEREAS, on December 17, 2013, at a duly-noticed public meeting, the Miami-Dade County Board of County Commissioners approved the appointment of Mary T. Cagle as the Inspector General; and

WHEREAS, the Board and Mary T. Cagle wish to enter into an employment contract governing her employment as the Miami-Dade County Inspector General,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby approves the employment contract between Miami-Dade County and Mary T. Cagle in substantially the form attached hereto.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

WXC

William X. Candela

CONTRACT OF EMPLOYMENT

THIS CONTRACT entered into this ____ day of _____, 2014, by and between MIAMI-DADE COUNTY ("COUNTY"), a political subdivision of the State of Florida, and MARY T. CAGLE ("CAGLE").

WITNESSETH

WHEREAS, after a careful selection process Mary T. Cagle was appointed by the Ad Hoc Inspector General Selection Committee for the position of Miami-Dade County Inspector General; and

WHEREAS, Section 2-1076 of the Code of Miami-Dade County provides that the Board of County Commissioners may by a majority vote of members present approve the appointment of an Inspector General to a four-year term,

WHEREAS, on December 17, 2013, at a duly-noticed public meeting, the Miami-Dade County Board of County Commissioners approved the appointment of CAGLE as the Inspector General;

WHEREAS, the Miami-Dade County Board of County Commissioners is desirous of employing, MARY T. CAGLE, as the Inspector General, and

WHEREAS, CAGLE is currently employed and is giving up her current employment in reliance on the assurance of employment as Inspector General for the County, and

WHEREAS, CAGLE is desirous of entering into a Contract with the COUNTY;

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the COUNTY and CAGLE have agreed that the Board of County Commissioners shall appoint CAGLE as the Inspector General of Miami-Dade County under the following terms and conditions:

1. This Contract is for a period of four (4) years commencing upon its approval by resolution by the Miami-Dade County Board of County Commissioners. Neither Party shall be bound by any of the Contract's terms until such time as a resolution is approved by the Board of County Commissioners.

2. It is understood and agreed by the parties that CAGLE will be employed by Miami-Dade County as Inspector General, and that her employment is and shall remain at will, that she will remain exempt from the COUNTY's Classified Service, and that either party, without cause, may terminate CAGLE's employment at any time during the term of this Contract pursuant to Section 2-1076 (h).

3. The COUNTY shall provide CAGLE with the Group 1 Executive Benefit package.

4. CAGLE will be eligible to participate in the Florida Retirement System (FRS) as a member of the Senior Management Service Class. CAGLE will be required to contribute the employee contribution required by the FRS.

5. CAGLE will receive an annual salary of \$190,000 commencing effective February 3, 2014.

6. CAGLE will contribute 5 percent of her base wages towards the cost of County's cost of healthcare in accordance with the policy adopted for all Office of Inspector General personnel. Prospectively, should other compensation reductions be required by the Board of County Commissioners, CAGLE will apply compensation reduction policies to herself in accordance with policies adopted for all Office of the Inspector General personnel.

7. CAGLE will receive, on her annual pay anniversary date, a merit increase of 5 percent.

8. CAGLE will accrue/be eligible for leave benefits (e.g., Sick leave, Annual leave, and holidays) as stipulated in the Miami-Dade County Leave Manual. In addition to the regular Annual accruals, CAGLE will receive, at the time of hire, forty hours of Annual leave. On subsequent leave years, CAGLE will accrue 120 hours of Annual leave per leave year.

9. CAGLE will become a member of the Association of Inspector General and maintain such membership in good standing during her employment term.

10. Nothing in the agreement shall alter the COUNTY's or CAGLEs rights or authority under section 2.1076 of the Miami-Dade County Code, or any other provision of County or State law, including those provisions of County law and administrative order pertaining to exempt employees. Except as specifically provided herein, CAGLE's employment shall be governed by any and all rules and procedures applicable to the COUNTY's exempt employees except that where any provision of the County's rules and procedures for exempt employees is contrary to this Contract, this Contract shall govern.

11. This Contract shall be governed by the Laws of the State of Florida. Any action based on this Contract or to enforce its provisions shall only be initiated and litigated in a state or federal court of competent jurisdiction located within the geographic boundaries of Miami-Dade County, Florida.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed as of the date first above written.

MIAMI-DADE COUNTY, FLORIDA

a political subdivision of the State of Florida

By: [Signature]
County Mayor, CARLOS A. GIMENEZ

Date: _____

By: [Signature]
MARY T. CAGLE

DATE: 1/14/14

WITNESS:

[Signature]
(Printed) Arleene Cuellar
1/14/14

(Printed) _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this ____ day of _____, 2014, before me an officer duly authorized in the State and County aforesaid to take acknowledgments, appeared MARY T. CAGLE, personally known to me or who has shown _____, as identification, and has stated that he has executed the foregoing Contract, and further states that he acknowledges executing the same in the presence of two subscribing witnesses freely and voluntarily.

WITNESS my hand and official seal in the County and State aforesaid this 14 day of January 2014.

[Signature]
NOTARY PUBLIC, State of Florida

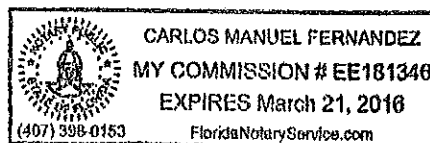
Print Name: Carlos M. Fernandez

My commission expires: 03/21/2016

ATTEST:

HARVEY RUVIN, Clerk

By: _____
Deputy Clerk



The foregoing was accepted and approved on the ____ day of _____, 2014, by Agenda Item No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.